IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1676 OF 2004

Mrs.Gohar Manucher Irani (Kayani) Applicant
versus
Hoshang N. Dorabjee & others Respondents

WITH
CRIMINAL APPLICATION NO.1677 OF 2004

Mrs.Gohar Manucher Irani (Kayani) Applicant
versus
Hoshang N. Dorabjee & others Respondents

WITH
CRIMINAL APPLICATION NO.1678 OF 2004

Mrs.Gohar Manucher Irani (Kayani) Applicant
versus
Hoshang N. Dorabjee & others Respondents

WITH
CRIMINAL APPLICATION NO.1679 OF 2004

Mrs.Gohar Manucher Irani (Kayani) Applicant
versus
Hoshang N. Dorabjee & others Respondents

WITH
CRIMINAL APPLICATION NO.1680 OF 2004

Mrs.Gohar Manucher Irani (Kayani) Applicant
versus
Hoshang N. Dorabjee & others Respondents

Mr.P.V.Shah for applicants.
Mr.Pawaskar with S.M.Gorwadkar for respondent no.1.
Ms.R.M.Gadhavi, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th October 2006

PC :

1. All these applications are by the petitioner-wife who claims that the liability to honour the cheque is exclusively that of her husband as the cheque is signed by him and issued by him. Therefore, although the account may be joint, the applicant-wife could not have been arrayed as a party in the complaint alleging commission of offence u/s 138 of Negotiable Instruments Act.

2. After arguing the matters for some time Shri Shah states that the applicant would raise all contentions after placing relevant materials before the Trial Court but insofar as applicant is concerned, the Trial Court may consider granting her permanent exemption.

3. These applications are disposed off by granting liberty to the applicant to move the Trial Court and seek permanent exemption from appearance. Such application, if made, shall be dealt with on its own merits and in accordance with law.

4. Insofar as contentions with regard to the liability of the applicant is concerned, it is not appropriate to go into the issues raised because the pleas would have to be substantiated by producing relevant materials. This is not the stage to go into such contentious issues. Application disposed of with liberty as above. All contentions of both sides on merits are expressly kept open.

(S.C.DHARMADHIKARI, J.)